



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 14 2016

CERTIFIED MAIL 7016 0600 0000 3846 7725  
RETURN RECEIPT REQUESTED

City of Jackson  
c/o Mr. Jerriot Smash  
Interim Director  
Department of Public Works  
P.O. Box 17  
Jackson, Mississippi 39205-0015

Re: Information Request – Section 308 of the Clean Water Act  
City of Jackson, Mississippi Consent Decree  
Case No.: 3:12-cv-790 TSL-JMR

Dear Mr. Smash:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the U.S. Environmental Protection Agency hereby requests the City of Jackson (the City) to provide the information set forth in Enclosure A regarding compliance with the Consent Decree (CD) noted above. The City is required to respond to this information request within thirty (30) days of its receipt of this letter. The response should be directed to:

Mr. Dennis Sayre  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The City's response to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible City official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my

knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

The City shall preserve until further notice all records (either written or electronic) which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. EPA, Region 4.

If you have questions regarding this notice and information request, please feel free to contact Mr. Dennis Sayre at (404) 562-9756.

Sincerely,



Denisse D. Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division

Enclosure

cc: Mr. Les Herrington, P.E.  
Mississippi Department of Environmental Quality

Mayor Tony Yarber  
City of Jackson

Mr. Terry Williamson  
City of Jackson

## ENCLOSURE A

The following questions in this Enclosure are directly related to the October 6, 2016, letter (the Letter) from Mayor Tony Yarber, City of Jackson, to Ms. Heather McTeer Toney, Regional Administrator, EPA Region 4, and to the City's 7<sup>th</sup> Semi-Annual Report, submitted pursuant to Paragraph 57.b of the CD:

1. In the Letter, the City represents that failure of the City "to approve the Department of Public Work's recommendation to contract with the best proposer for Consent Decree Program Management is now affecting the City's ability to meet the next scheduled deadline" in submitting the Prioritization Report and other Work (as defined in Paragraph 8.rr of the CD). The EPA has the following questions:
  - a. With respect to the West Bank Interceptor Rehabilitation Plan which the EPA approved on October 13, 2016, please explain in detail how the plan is impacted in the absence of a contracted Program Manager (PM), including specifically the scheduled Work contained in the plan.
  - b. The Sewershed Prioritization Report is due to the EPA, pursuant to Paragraph 25 of the CD, on or before February 17, 2017. Please explain in detail how the Prioritization Report is impacted by the absence of a contracted PM, including all items listed in Paragraph 25(a) through 25(g) of the CD.
  - c. The EPA received the City's Composite Correction Plan (CCP) on April 26, 2016. Assuming the EPA approves the plan as submitted, explain in detail how the CCP is impacted by the absence of a contracted PM, including specifically the implementation schedule associated with the plan.
  - d. Explain in detail how the following approved Capacity, Management, Operation and Maintenance (CMOM) programs are impacted by the absence of a contracted PM, including specifically the implementation schedules associated with each program.
    - i. Training Program
    - ii. Sanitary Sewer Overflow Response Plan
    - iii. Inter-Jurisdictional Agreement Program
    - iv. Private Lateral Program
    - v. Pump Station Operations Program
    - vi. Fats, Oils, and Grease Program
    - vii. Gravity Line Preventive Maintenance Program
    - viii. Wastewater Treatment Plant Operation and Maintenance Program
  - e. The EPA provided comments to the City in a letter dated September 28, 2016, on the Water Quality Monitoring Program which the City received on October 6, 2016. Pursuant to Paragraph 13 of the CD, and as stipulated in the comment letter, the City must resubmit a revised Water Quality Monitoring Program deliverable on or before December 5, 2016. Please explain in detail how resubmittal and implementation of the Water Quality Monitoring Program has been and will be impacted by the absence of a contracted PM.

## ENCLOSURE A

- f. The City's "13<sup>th</sup> Quarterly Report" was due to the EPA by July 30, 2016, which the EPA received on August 9, 2016. The City's "7<sup>th</sup> Semi-Annual Report" was due by August 30, 2016, which the EPA received on October 24, 2016. Please explain the delay in the timely submission of these reports and whether such delay was related to the absence of a contracted PM.
- g. Provide receipts of Escrow payments due on August 1, 2014, and August 1, 2016, pursuant to Paragraph D.1 of Appendix F of the CD.